NPT/CONF.2020/PC.II/WP.11

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 March 2018

Original: English

Second session
Geneva, 23 April–4 May 2018

Conclusions from the first session and recommendations for the second session of the Preparatory Committee

Working paper submitted by the Netherlands

Introduction

1. The Netherlands chaired the first session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held from 2 to 12 May 2017 in Vienna. As Chair, the Netherlands considers the first session of the Committee, overall, to have been a constructive session, which laid the foundation for a productive Treaty review cycle leading up to the 2020 Review Conference. A total of 114 States parties participated in the work of the Committee's 16 meetings, and 40 working papers were issued. In addition, the Chair held consultations with more than 100 States parties at various meetings, including regional outreach sessions, in the months leading up to the session.

2. The aim of the present working paper is to contribute to improving interconnectivity between sessions of the Preparatory Committee by highlighting areas of convergence of opinion in the Chair's factual summary of the first session (NPT/CONF.2020/PC.I/WP.40) and by conveying to the Chair of the Committee's second session substantive recommendations for consideration by the Committee, in view of its mandate under paragraph 4 of decision 1 of the 1995 Review and Extension Conference.

3. The Chair of the Committee's first session issued two documents. The first was the above-mentioned factual summary of the proceedings at the first session and of the different positions of the States parties. The aim of the summary was to provide a broad overview of Treaty-related discussions, incorporating as many perspectives as possible, as a basis for further discussions. On some issues, the positions of States parties were far apart; on others, a convergence of opinions was noticeable.

4. The second document, entitled "Towards 2020: reflections by the Chair of the 2017 session of the Preparatory Committee" (NPT/CONF.2020/PC.I/14), consists of eight points taken by the Chair from the discussions at the session. The Netherlands considers that they reflect basic views on the Treaty and its review cycle that appear to be shared by the States parties. The eight points are:

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1. The Non-Proliferation Treaty remains of central importance to its States parties, which have reaffirmed their commitment to the Treaty and the implementation of its provisions.

2. The Treaty contains shared common objectives. Despite disagreements over the pace of its implementation, progress on disarmament, non-proliferation and the use of nuclear energy for peaceful purposes are considered to be mutually enabling, reinforcing and balancing elements.

3. The Treaty is the cornerstone of the global regime for nuclear non-proliferation and disarmament. As such, it is an essential part of the modern collective security system. The current international geopolitical challenges underline the important role of the Treaty and the need to uphold and strengthen it.

4. The Treaty helps us to ease tensions and build confidence between States and, therefore, contributes to a safer, more secure and more peaceful world. As its preamble reflects, the Treaty aims to safeguard its States parties and their peoples from the devastation of nuclear conflict.

5. The Treaty is central to our legal and political efforts on non-proliferation and disarmament. These form a continuing process that is underpinned by the Treaty's review cycle. The Treaty combines a near-universal scope with a legally binding framework.

6. It is important that we maintain an open, inclusive and transparent dialogue at the meetings of the Review Conference and the Preparatory Committee. We must strive to make these meetings as effective and efficient as possible, including by maximizing the continuity between them.

7. We must, therefore, ensure that the vitality and integrity of the Treaty remain intact, and that we continue to work towards its universalization.

8. With a view to the fiftieth anniversary of the Treaty's entry into force in 2020, we should work to identify areas where progress is possible, cooperate in order to move forward and search for compromise where necessary.

5. Many States parties, as well as independent experts, have stressed the need to increase the effectiveness and efficiency of the Treaty's working methods. It is necessary to improve the interconnectivity between the consecutive sessions of the Preparatory Committee, and between the Preparatory Committee and the Review Conference, in order to generate more substantive input for the Review Conference and to avoid unnecessary repetition of statements and discussions.

6. The present working paper is intended to contribute to those goals. It is important that participants in all three consecutive sessions of the Preparatory Committee work towards capturing substantive outcomes or conclusions in areas where that is possible and that the present session contribute to this goal to the fullest extent possible. This could lessen the burden and pressure on the 2020 Review Conference and help to focus discussions on tangible outcomes.

7. Nevertheless, discussions on more divisive topics should not be avoided by the States parties if the Treaty's review cycle is to remain relevant. Nor, however, should such topics be allowed to "spoil" or interfere with potential progress on other issues before the Preparatory Committee.

Chair's factual summary of the first session of the Preparatory Committee

General considerations

8. Despite differences of opinion between States parties, it is important not to lose sight of the common interests that all States share under the Treaty. The first five paragraphs of the Chair's factual summary of the first session reflect a large degree of consensus among States parties regarding the role of the Treaty and its implementation, including: the final documents of the 1995 Review and Extension Conference and of the 2000 and 2010 Review Conferences; an outlook on the 2020 Review Conference; and the importance of achieving universal adherence to the Treaty.

9. In paragraph 6 of the summary, mention is made of action 22 of the 2010 action plan, on disarmament and non-proliferation education. Many States parties had, during the first session, referred to the importance of knowledge transfers, capacity-building and encouraging critical thinking. In paragraph 7, it is noted that "States parties emphasized the importance of promoting the equal, full and effective participation of both women and men in the process of nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy". There was a high degree of convergence of opinion on both the issue of education and the role of gender in relation to nuclear disarmament and non-proliferation at the session.

Working methods

10. In paragraphs 134–136 of the summary, it is noted that:

> States parties reaffirmed the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension Conference and the 2000 Review Conference. States parties exchanged views on a number of specific proposals, including: enhancing the interactivity of discussions; increasing accountability through transparency and reporting; increasing the participation of women in delegations; enabling the Preparatory Committee to take substantive decisions; conducting work on the basis of a rolling text so as to enable progress to be carried forward by each session of the Preparatory Committee; ensuring effective time management; and revisiting the topics considered by subsidiary bodies. There was also recognition of the need to ensure efficiency, effectiveness, coordination and continuity throughout the review cycle. In that context, there were calls for, inter alia: the early nomination of Presidents of the Review Conference and Chairs of the Preparatory Committee; encouraging past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chairs regarding practical matters relating to their responsibilities; and continuing outreach and the practice of holding regional dialogues prior to each session.

11. The Treaty review cycle has an important function. The Treaty evolves and develops, as a living regime, which means that it requires constant maintenance and strengthening to stay relevant, adapt to changing circumstances and meet new challenges. The review process serves to channel these processes. However, a vast majority of consulted experts and officials signalled a lack of effectiveness and efficiency in the working methods of the Treaty review mechanism. Yet it is difficult to translate this emerging consensus into political action at review cycle meetings.

12. The Chairs of these meetings should work closely together in emphasizing the importance of this topic and the fact that improving working methods facilitates, not replaces, substantive progress. Inter-Chair cooperation is important, moreover, to avoid duplication of work and make the review cycle more efficient. In this context,

it is necessary to have the nominations of the Chairs for the meetings in 2019 and 2020 as soon as possible.

13. It is crucial to broaden and deepen the sense of ownership of the Treaty as a global security instrument benefiting all its members. Transparent and inclusive operation by the Chairs is necessary. The approach consisting of a programme of regional outreach meetings facilitates and increases such transparency and inclusivity and thereby heightens the sense of ownership of the Treaty regime. This means, inter alia, avoiding decision-making in small groups, taking into account regional input and being available for bilateral discussions with all States parties.

Disarmament

14. On disarmament, it is noted in paragraph 8 of the summary that:

> States parties reaffirmed their commitment to the full and effective implementation of article VI of the Treaty. It was recalled that States parties were committed to pursuing policies that were fully compatible with the Treaty and to contributing to achieving a world without nuclear weapons. In that context, there were calls for States parties to use the current review cycle to identify, elaborate and negotiate effective measures for the full implementation of article VI.

15. Paragraph 13 of the summary reflects the strong links that were made at the first session of the Preparatory Committee between disarmament, international peace, security, stability and confidence-building. It is important to take into account the developments in this broader context in the discussions at the next sessions of the Committee. The summary also reflects the mutually reinforcing nature of disarmament and non-proliferation. Concerns were voiced at the first session that the continued possession of nuclear weapons could fuel proliferation; at the same time, it was considered that strong non-proliferation guarantees were essential for creating the conditions for further disarmament.

16. States parties at the first session of the Preparatory Committee welcomed steps taken to implement the New START Treaty. They also recognized the value of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty), expressed concern about issues relating to its implementation and called for efforts to preserve its viability and to resolve implementation issues in accordance with its provisions, including through its Special Verification Commission.

17. Several treaties, instruments and initiatives were discussed in the context of the implementation of article VI of the Non-Proliferation Treaty, including the ratification and entry into force of the Comprehensive Nuclear-Test-Ban Treaty and developments in the field of the negotiation of a treaty banning the production of fissile materials for use in nuclear weapons or other nuclear explosive devices. In particular, there was a high degree of convergence of opinion among States parties on the role of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the development of the International Monitoring System, on transparency and reporting, as well as on the importance of nuclear disarmament verification efforts.

18. The summary reflected a first step in the discussion between States parties on the negotiations of the Treaty on the Prohibition of Nuclear Weapons. Since then, negotiations on the instrument have been completed and a final text has been adopted. It is important that points of concern relating to the possible impact of that instrument on the Non-Proliferation Treaty and its review cycle be addressed. This calls for an

appropriate and pragmatic approach to discussions on this issue at the remaining sessions of the Preparatory Committee.

Non-proliferation and regional issues

19. On the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, it is noted in the summary that:

> States parties reaffirmed their support for the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalled the affirmation of its goals and objectives by the 2000 and 2010 Review Conferences. They reaffirmed that the 1995 resolution remained valid until its goals and objectives had been achieved and that the 1995 resolution, which had been sponsored by the depositary States of the Treaty, was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was extended indefinitely without a vote in 1995. States parties recalled their resolve to undertake, individually and collectively, all measures necessary for its prompt implementation.

Paragraphs 96–101 of the summary could form the starting point for discussions on this issue at the remaining sessions of the Preparatory Committee.

20. On non-proliferation issues, the establishment of the Joint Comprehensive Plan of Action was discussed at the first session of the Preparatory Committee. Many States parties welcomed its ongoing implementation. It is noted in paragraph 102 of the summary that "States parties underscored the vital role of the International Atomic Energy Agency in verifying and monitoring the implementation by the Islamic Republic of Iran of its nuclear-related commitments under the Plan".

21. There was general agreement on the proliferation threat posed by the Democratic People's Republic of Korea. In the summary it is noted that:

> States parties condemned in the strongest terms the five nuclear tests conducted by the Democratic People's Republic of Korea, including those carried out on 6 January and 9 September 2016, and the repeated launches of ballistic missiles in violation of and with flagrant disregard for the Security Council resolutions. States parties strongly urged the Democratic People's Republic of Korea to refrain from conducting any further nuclear tests and launches that used ballistic missile technology, in accordance with relevant Council resolutions, and to renounce its policy of building its nuclear forces, which undermined the global non-proliferation regime.

22. States parties were generally in agreement on broader non-proliferation issues, such as the role, development and implementation of nuclear safeguards by the International Atomic Energy Agency, the importance of work being done by the Agency on nuclear security, and the need to ensure that nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other nuclear explosive devices and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, in particular, in articles I, II and III, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference.

Peaceful uses of nuclear energy

23. There was also broad convergence of opinion on issues relating to the right to use nuclear energy for peaceful purposes. This should allow the Preparatory Committee to further develop its discussions in this area. For example, it is important for States parties to reach out beyond those involved in the nuclear field to inform international development practitioners about the contributions that nuclear energy

can make to achieving sustainable development objectives. Nuclear applications play an essential role in areas such as human health, water management, agriculture, food safety and nutrition, energy and environmental protection.

Recommendations

24. Based on the above considerations, the Netherlands, under its authority as Chair of the first session of the Preparatory Committee, submits the following recommendations for consideration by the Committee in preparation for the 2020 Review Conference.

25. The Netherlands recommends that the Preparatory Committee:

(a) Elaborate a shared starting point and a common frame of reference, for discussions in the current review cycle, based on the eight points contained in the paper entitled "Towards 2020: reflections of the Chair of the 2017 session of the Preparatory Committee" (NPT/CONF.2020/PC.I/14);

(b) Reaffirm earlier commitments made under the Non-Proliferation Treaty, which are reflected in paragraphs 1–5 of the Chair's factual summary of the first session of the Preparatory Committee;

(c) Develop the discussion on education, gender and the use of nuclear energy for peaceful purposes using the relevant paragraphs of the summary as a starting point;

(d) Consider ideas and propose measures to enhance the output of Treaty review cycle meetings by improving its working methods, using the discussions that were held during the first session of the Committee, as reflected in the summary, as a basis for discussion;

(e) Emphasize the importance of nominating the Chairs for the meetings in 2019 and 2020 as soon as possible and further explore ideas for increased continuity and inter-Chair cooperation;

(f) Assess how regional approaches, conferences, instruments, initiatives or organizations can help to further the implementation of the Treaty;

(g) Reaffirm its commitment to the full and effective implementation of article VI of the Treaty, recall the commitment of all the nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate their nuclear arsenals and reaffirm the importance of the continued implementation of bilateral arms control agreements between the Russian Federation and the United States;

(h) Develop the relationship between nuclear disarmament, non-proliferation and international peace, security and stability and discuss the role of risk reduction measures and strategic stability dialogues;

(i) Advance the discussion on transparency, reporting and nuclear disarmament verification, possibly through special panels, side events or expert discussions;

(j) Encourage pragmatic prudence and reciprocal restraint when the Treaty on the Prohibition of Nuclear Weapons is discussed, acknowledge that having such a discussion does not necessarily imply endorsement of that treaty or the norms therein and emphasize that the Non-Proliferation Treaty remains the cornerstone of the nuclear disarmament and non-proliferation regime;

(k) Discuss regional issues, including the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East and

proliferation threats, taking the relevant paragraphs of the summary as a starting point;

(l). Reaffirm the relevant paragraphs of the summary on structural issues relating to non-proliferation and, where possible, look for opportunities to advance the discussion on issues such as the role and development of nuclear safeguards and the consequences of withdrawal from the Treaty.